

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ERNESTINE WIGGS	:	CIVIL ACTION
	:	
v.	:	
	:	
CITY OF PHILADELPHIA, ET AL.	:	NO. 13-5193

**ORDER**

**AND NOW**, this 26th day of February 2014, upon consideration of the Motion to Dismiss filed by the City of Philadelphia, (Docket No. 6) and Plaintiff's response thereto, **IT IS HEREBY ORDERED** as follows:

1. The City's Motion to Dismiss is **GRANTED**;
2. Counts I, II and III of the Amended Complaint are **DISMISSED WITHOUT PREJUDICE**. Plaintiff may file a second amended complaint on or before March 31, 2014 that cures the deficiencies in her Title VII and ADEA claims (Count I), as well as her § 1983 claim for failure to train and supervise (Counts II and III); and
3. Count IV is **DISMISSED WITH PREJUDICE**.

BY THE COURT:

/s/ John R. Padova

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John R. Padova, J.